

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) **Case No. 10-00009-01-CR-W-GAF**
)
DUSTIN RAY SHERWOOD,)
)
Defendant.)

ORDER

On May 7, 2010, a hearing was held on the Application for Determination of Defendant's Mental Capacity. The parties offered a stipulation to the Forensic Evaluation dated April 29, 2010, prepared by Jeremiah Dwyer, Ph.D., Forensic Psychologist, of the Federal Detention Center in Englewood, Colorado. The examiner concluded that defendant is not presently suffering from a major mental disorder that would impair his present ability to understand the nature and consequences of the court proceedings against him, or his ability to properly assist counsel in his defense.

United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation (Doc. #35) on June 2, 2010. Upon careful and independent review of the record, as well as the applicable law, and there being no objection filed to the Report and Recommendation, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is ORDERED that defendant Dustin Ray Sherwood is not currently suffering from a mental disease or defect which would prevent him from understanding the

nature and consequences of the proceedings against him or assisting in his own defense and that he is competent to stand trial.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: June 24, 2010